

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DAVE VAN ELZEN, and AUBREY  
MOORE individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

TREND CAPITAL HOLDINGS INC., a  
Delaware corporation,

Defendant.

CASE NO. 3:16-cv-05759

**STIPULATION OF DISMISSAL**

Plaintiffs David Van Elzen and Aubrey Moore (“Plaintiffs”) and Defendant Trend  
Capital Holdings, Inc. (“Defendant” or “Trend”), through their counsel, stipulate as follows:

1. Plaintiffs filed this putative class action against Defendant.
2. Plaintiffs have agreed to dismiss their individual claims against Trend with  
prejudice.
3. The dismissal of this case is without prejudice as to all putative, unidentified class  
members, if any. Defendant disputes that this matter is suitable for class treatment pursuant to  
Rule 23.
4. Fed. R. Civ. P. 41(a)(1)(A)(ii) allows the parties to stipulate to the dismissal of an  
action at any time. Rule 23(e) does not limit the right to stipulate to dismissal of this action  
because it only applies to certified classes, and no class has been certified in this matter. No

1 notice is required to putative class members under Rule 23(e) since the dismissal of Plaintiff's  
2 individual claims does not bind them in any way.

3 Accordingly, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Plaintiffs and Defendant agree  
4 that the action shall be dismissed in its entirety and with prejudice with respect to the claims  
5 alleged by Plaintiffs individually against Defendant, and without prejudice as to any claims  
6 alleged by the putative, uncertified class against Defendant.

7 Plaintiffs and Defendant further agree that each party shall bear her, his, or its own costs  
8 and attorney fees.

9 IT IS SO STIPULATED.

10 August 1, 2017

11 Respectfully Submitted,

12 **DAVE VAN ELZEN AND AUBREY MOORE,**  
13 individually and on behalf of all others similarly  
14 situated,

15 s/ Patrick H. Peluso

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27 **TREND CAPITAL HOLDINGS INC.**

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